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Application No.: 10/584,350

Docket No.: KUB-005

REMARKS

This is in full and timely response to the above-identified Office Action. The above listing of the claims supersedes any previous listing. Favorable reexamination and reconsideration are respectfully requested in view of the preceding amendments and the following remarks.

Claim Amendments

In this response, claims 1-5 have been cancelled and replaced with a new set. These new claims find full support in the originally filed specification and drawings and are such as to clearly define over the art applied. Support for the new claims is found in the originally filed specification - see paragraphs [0015], [0016], [0035], [0036] and Figs. 2 and 6 merely by way of example.

Claim Objections

The objections are rendered moot by the cancellation of claims 1-5.

Rejections under 35 USC § 112

The rejection under 35 USC § 112, second paragraph, are rendered moot by the cancellation of claims 1-5. Nevertheless, it is submitted that the claims were presented as apparatus claims:

A parameter adjusting **device** optimizing parameters using a genetic algorithm with a multiple processing means, **comprising a processing assignment means** wherein a part of said multiple processing means is assigned to search processing by a local search method. (Emphasis added)

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Thus, the position that this claim fails to define the boundaries between method and apparatus is not seen as being tenable. Indeed, it is submitted that a device comprising a processing assignment means (plus a functional statement as to the operation of the means) is not a method and cannot be seen as being interpreted as being one.

As to the expression "a local search method", it is submitted that local search method is a well known term and would adequately apprise the reader of ordinary skill in the art of the scope of the claims, when taken with the written description.

#### Rejections under 35 USC § 101

Irrespective of being rendered moot by the cancellation of claims 1-5, the rejection is traversed in that it is such as to indicate that the claims are "directed to neither a process nor a machine, but rather embraces or overlaps two different statutory classes of invention." These embrace of two statutory classes then mysteriously leads to a conclusion that the claimed subject matter is non-statutory. The claims are clearly apparatus claims and therefore cannot be deemed to be non-statutory. Clarification of this conclusion based position is requested should the rejection be maintained with respect to the newly presented claims.

#### Rejections under 35 USC § 102

The rejection of claims 1-5 under 35 USC § 102(b) as being anticipated by the disclosure of the Hill et al. reference is mooted by the cancellation of claims 1-5.

However, it should be noted that an electronic search of the Hill et al. reference indicates that this document does not disclose the use

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of a genetic algorithm (GA) as asserted at the middle of page 2 of this Office Action. This reference also fails to disclose the subject matter now claimed independent claim 6. Newly presented dependent claim 7, sets forth specific structure which is used in connection with the invention. Dependent claims 8 and 9 incorporate subject matter from claims 3 and 5 respectively.

As will be appreciated from paragraph [0020] of the instant application, in accordance with the invention data necessary to the GA or the local-method processing is distributed to each CPU of a plurality of processing devices. An individual (chromosome) for the GA processing in the CPU for the management is generated. For example, in the case of the semiconductor manufacturing line, N chromosomes (individuals), wherein the whole physical model functions of a transistor or a value of a part of the parameters are the genes, are generated, and are considered as an individual population. An individual generation determines the value of the genes in the chromosomes. In a physical model of a transistor such as the known BSIM, a range of recommended parameter initial values is set, so that in each parameter, the initial value is determined randomly within the range of the recommended parameter initial value, and becomes the value of the genes.

Hill et al. complete fails to suggest processing using GA of the nature addressed above.

Fig. 2 of the instant application discloses how CPU are respectively arranged to individually use GA in processing generations (note the second generation in Fig. 2). This is not seen as being either disclosed or suggested by the Hill et al. document.

#### Conclusion

It is respectfully submitted that the claims as they have been

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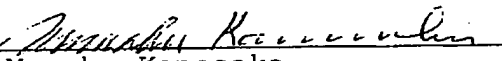
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amended and newly presented are allowable over the art which has been applied in this Office Action. Favorable reconsideration and allowance of this application are courteously solicited.

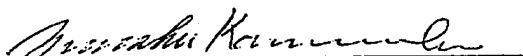
Respectfully submitted,

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